

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3581. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1854); to the Committee on Armed Services.

EC-3582. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report entitled "Notification to Congress on Transfer Authorities Used in Fiscal Year 2009"; to the Committee on Armed Services.

EC-3583. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the Uniform Resource Locator (URL) for a report relative to the FY2009 Agency Financial Report for the Department of Defense; to the Committee on Armed Services.

EC-3584. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Senior DoD Officials Seeking Employment with Defense Contractors" ((RIN0750-AG07) (DFARS Case 2008-D007)) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Armed Services.

EC-3585. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Pilot Program for Transition to Follow-on Contracting After Use of Other Transaction Authority" ((RIN0750-AG17) (DFARS Case 2008-D030)) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Armed Services.

EC-3586. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Dominican Republic; to the Committee on Banking, Housing, and Urban Affairs.

EC-3587. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-3588. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8101)) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3589. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1070)) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3590. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1067)) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3591. A communication from the Senior Advisor, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Economic Sanctions Enforcement Guidelines" (31 CFR Part 501) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3592. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to defense articles and defense services that were licensed for export under Section 38 of the Arms Export Control Act during fiscal year 2008; to the Committee on Foreign Relations.

EC-3593. A communication from the Director of Congressional Affairs, Federal and State Materials and Environmental Management, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 7" (RIN3150-AI70) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Environment and Public Works.

EC-3594. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Institutional Eligibility Under the Higher Education Act of 1965, as Amended, and the Secretary's Recognition of Accrediting Agencies" (RIN1840-AD00) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3595. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Investigational New Drug Applications; Technical Amendment" (Docket No. FDA-2009-N-0464) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3596. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Cardiac Allograft Gene Expression Profiling Test Systems" (Docket No. FDA-2009-N-0472) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3597. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled "Job Simulations: Trying Out for a Federal Job"; to the Committee on Homeland Security and Governmental Affairs.

EC-3598. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific

Ocean Perch in the Central Aleutian Islands" (RIN0648-XS57) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3599. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian Islands" (RIN0648-XS59) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3600. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian Islands" (RIN0648-XS58) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3601. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action; Rule Extension" (RIN0648-AW87) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3602. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Improving Public Safety Communications in the 800 MHz Band" ((FCC 07-92)(WT Docket No. 02-55)) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3603. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as Amended" ((WC Docket No. 07-267)(FCC09-56)) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3604. A communication from the Program Analyst, Office of Managing Director—Financial Operations, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Proposed Rulemaking and Order, Assessment and Collection of Regulatory Fees for Fiscal Year 2009" ((FCC 09-38; 09-65)(MD Docket Nos. 09-65 and 08-65)) received in the Office of the President of the Senate on November 4, 2009; to the Committee on Commerce, Science, and Transportation.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2010" (Rept. No. 111-97).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1490. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Ketanji Brown Jackson, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2013.

Kenyen Ray Brown, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

Stephanie M. Rose, of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

Nicholas A. Klinefeldt, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU (for herself and Mr. NELSON of Florida):

S. 2731. A bill to improve disaster assistance provided by the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. MENENDEZ:

S. 2732. A bill to require the Administrator of the Federal Aviation Administration to promulgate regulations to prohibit the use of certain portable electronic devices in the cockpit of commercial aircraft during flight and to conduct a study of the safety impact of distracted pilots; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Ms. MIKULSKI, Mr. FRANKEN, and Mr. BENNET):

S. 2733. A bill to provide for the establishment of a Private Education Loan Ombudsman; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRANKEN (for himself and Mr. LUGAR):

S. 2734. A bill to amend the Public Health Service Act with respect to the prevention of diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. INHOFE):

S. 2735. A bill to prohibit additional requirements for the control of *Vibrio vulnificus* applicable to the post-harvest processing of oysters; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRANKEN (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, and Mr. HATCH):

S. 2736. A bill to reduce the rape kit backlog and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mr. INHOFE, Mr. KYL, Mr. CORNYN, Mr. LIEBERMAN, Mr. VITTER, and Mr. BUNNING):

S. 2737. A bill to relocate to Jerusalem the United States Embassy in Israel, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. GRASSLEY):

S. 2738. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2739. A bill to amend the Federal Water Pollution Control Act to provide for the establishment of the Puget Sound Program Office, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Mr. FRANKEN, and Mr. BROWN):

S. 2740. A bill to establish a comprehensive literacy program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico:

S. 2741. A bill to establish telehealth pilot projects, expand access to stroke telehealth services under the Medicare program, improve access to "store-and-forward" telehealth services in facilities of the Indian Health Service and Federally qualified health centers, reimburse facilities of the Indian Health Service as originating sites, establish regulations to consider credentialing and privileging standards for originating sites with respect to receiving telehealth services, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. BROWN):

S. 2742. A bill to provide for a Climate Change Worker and Community Assistance Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. WEBB, Mrs. LINCOLN, and Ms. LANDRIEU):

S. 2743. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

By Mr. BARRASSO (for himself, Mr. BINGAMAN, and Mr. ENZI):

S. 2744. A bill to amend the Energy Policy Act of 2005 to expand the authority for awarding technology prizes by the Secretary of Energy to include a financial award for separation of carbon dioxide from dilute sources; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Ms. KLOBUCHAR, Mr. ROCKEFELLER, Mr. LAUTENBERG, and Mr. FRANKEN):

S. 2745. A bill to prohibit the use of personal wireless communications devices and laptop computers by the flight crew of commercial aircraft on the flight deck of such aircraft during aircraft operations; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS:

S. 2746. A bill to address the concept of "Too Big To Fail" with respect to certain financial entities; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. COCHRAN, and Mr. RISCH):

S. Res. 338. A resolution designating November 14, 2009, as "National Reading Education Assistance Dogs Day"; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. KAUFMAN, Mr. CORNYN, Mr. FEINGOLD, Mr. DURBIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. SCHUMER):

S. Res. 339. A resolution to express the sense of the Senate in support of permitting the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. Res. 340. A resolution expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our Nation in times of war and conflict; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself and Mr. LUGAR):

S. Res. 341. A resolution supporting peace, security, and innocent civilians affected by conflict in Yemen; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BINGAMAN, Ms. CANTWELL, Mr. CONRAD, Mr. CRAPO, Mr. FRANKEN, Mr. JOHNSON, Mr. MCCAIN, Mr. MERKLEY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico):

S. Res. 342. A resolution recognizing National American Indian and Alaska Native Heritage Month and celebrating the heritage and culture of American Indians and Alaska Natives and the contributions of American Indians and Alaska Natives to the United States; considered and agreed to.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Con. Res. 47. A concurrent resolution recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 448

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 456

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish